

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JOHN D. LANE

PLAINTIFF

V.

CIVIL NO.: 1:14CV127-HSO-RHW

GARDEN PARK MEDICAL CENTER

DEFENDANT

**ORDER ADOPTING PROPOSED FINDINGS OF FACT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S CLAIM WITHOUT
PREJUDICE**

BEFORE THE COURT is the Proposed Findings of Fact and Recommendation [3] of United States Magistrate Judge Robert H. Walker. Plaintiff has not filed an objection. The Magistrate Judge recommended that Plaintiff's lawsuit be dismissed without prejudice for failure to prosecute. Where a party fails to file specific objections to a magistrate's report and recommendations, the district court reviews the report and recommendations for findings and conclusions that are clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

The Court finds that the Magistrate Judge properly recommended that Plaintiff's claim be dismissed for failure to prosecute. Plaintiff filed his Complaint [1] against Garden Park Medical Center on March 14, 2014, yet did not serve summons or the Complaint on Defendant within 120 days of filing the Complaint as required by Rule 4(m) of the Federal Rules of Civil Procedure. Further, Plaintiff never responded to the Court's Order [2] requiring Plaintiff to show cause why his

Complaint should not be dismissed for failure to effect timely service of process.

Based on the foregoing, the Proposed Findings of Fact and Recommendation [3] of United States Magistrate Judge Robert H. Walker is not clearly erroneous or contrary to law, and should be adopted as the finding of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Proposed Findings of Fact and Recommendation [3] of United States Magistrate Judge Robert H. Walker entered on September 22, 2014, is adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, this civil action is **DISMISSED WITHOUT PREJUDICE**. A separate judgment will be entered in accordance with this Order as required by Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 21st day of October, 2014.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE